

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

DOCKET NO. 1:05CR209

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)

**FINAL ORDER
OF FORFEITURE**

1) RAPHAEL ARROYOS)
FERNANDEZ)
a/k/a Raphael Fernando Fernandez)
)
3) PEUJON DESLIN NAZIFI)
a/k/a "P.J.")
)
)
Defendants.)

**IN RE: 2003 MERCEDES BENZ)
VIN WDBUF70J23A112541)
)
REAL PROPERTY AT)
9392 EAST GRAPEVINE)
SPRING PLACE, TUCSON,)
ARIZONA, WARRANTY)
DEED AT DOCKET 12269,)
PAGE 9862, PIMA COUNTY)
RECORDER, TUCSON,)
ARIZONA)**

On April 7, 2006, this Court entered a Preliminary Order of Forfeiture concerning the two above-captioned properties pursuant to 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2(b), based upon the pleas of guilty by Raphael Arroyos Fernandez to Counts One and Two in the Superseding Bill of Indictment and the plea of guilty by Peujon Deslin Nazifi to Count Two of the Superseding Bill of Indictment. Count One charged a conspiracy to possess with intent to distribute cocaine and marijuana, in violation of 21 U.S.C. §§ 841 and 846. Count Two charged a conspiracy to commit

money-laundering, in violation of 18 U.S.C. §§ 1956(h), 1956(a)(1)(A)(i), 1956(a)(1)(B)(i), and 1957.

On May 24, 30, and June 7, 2006, the United States published in the *Arizona Daily Star*, Tucson, Arizona, a newspaper of general circulation, and on July 4, 2006, the United States, pursuant to standing Order of the Court 3:05MC302-C, published in the *Asheville Citizen-Times*, Asheville, North Carolina, a newspaper of general circulation, notice of this forfeiture and of the intent of the government to dispose of the forfeited property in accordance with law, and further notifying all third parties of their right to petition the Court within thirty days for a hearing to adjudicate the validity of any alleged legal interest in the property. It appears from the record that no such claims have been filed.

THE COURT FINDS that Armida Arragon Arroyos, a co-defendant charged in the Superseding Bill of Indictment, has been a fugitive in the case and before this Court since a Warrant for Arrest was issued for her on September 27, 2005. The Court renews its previous Orders in this case that she is attempting to avoid apprehension and that her whereabouts are unknown. She was duly noticed of the intent of the United States to forfeit the real property at 9392 East Grapevine Spring Place, Tucson, Arizona, when she made an initial appearance on the Bill of Indictment, which contained a Notice of Forfeiture of that property, on August 22, 2005, and when she was arraigned on that same Bill of Indictment on August 24, 2005. By both public notice and attempted personal notice, the United States has been duly diligent in attempting to notice her of the Preliminary Order of Forfeiture.

THE COURT FINDS, pursuant to Fed.R. Crim. P. 32.2(c)(2), that the defendant Raphael Arroyos Fernandez had an interest in the real property at 9392 East Grapevine Spring Place, Tucson,

Arizona, that is forfeitable under 18 U.S.C. § 982 and 21 U.S.C. § 853; and defendant Peujon Deslin Nazifi had an interest in the 2003 Mercedes Benz that is forfeitable under 18 U.S.C. § 982.

IT IS THEREFORE ORDERED:

All interest, real or personal, of Armida Arragon Arroyos, in the real property at 9392 East Grapevine Spring Place, Tucson, Arizona, is hereby and forever terminated.

In accordance with Rule 32.2(c)(2), the Preliminary Order of Forfeiture is confirmed as final. All right, title, and interest in **the following properties**, whether real, personal, or mixed, has therefore been forfeited to the United States for disposition according to law:

**–2003 MERCEDES BENZ
VIN WDBUF70J23A112541;**

– REAL PROPERTY AT 9392 EAST GRAPEVINE SPRING PLACE, TUCSON, ARIZONA, AS EVIDENCED BY A WARRANTY DEED AT DOCKET 12269, PAGE 9862, PIMA COUNTY RECORDER, TUCSON, ARIZONA.

Signed: September 19, 2006



Lacy H. Thornburg
United States District Judge

